

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SE/S Reisterstown Road, 60' * ZONING COMMISSIONER
N of Northbound Beltway (I-695) * OF BALTIMORE COUNTY
(1777 Reisterstown Road)
3rd Election District * Case No. 89-8-A
2nd Councilmanic District
Commerce Centre Venture
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a double-faced identification sign of 188.3 sq.ft. per side in lieu of the maximum permitted 150 sq.ft. per side, as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Clark F. MacKenzie, Jr., General Partner, appeared, testified, and was represented by Robert W. Cannon, Esquire. Also appearing on behalf of the Petition was James S. Kline with G. W. Stephens, Jr. & Associates, Inc. There were no Protestants.

Testimony indicated that the subject property, known as The CommerceCentre, is located at 1777 Reisterstown Road adjacent to the I-695 interchange at Reisterstown Road, and is zoned BR. The property is improved with a mixed commercial development of office, retail and restaurant uses. Testimony presented indicates that the Petitioner proposes replacing an existing identification sign with one more appropriate to the subject property. Petitioner testified that the existing sign lacks proper visibility due to its location, vegetation exceeding the Baltimore County Landscaping Manual requirements, and the general topography of the site at this particular location. Testimony indicated that because there is no left turn permitted from Reisterstown Road heading east into the CommerceCentre, a taller identification sign is necessary to ensure early

patron identification from the intersection of Reisterstown Road and Hooks Lane. A majority of the buildings in the complex are sited a considerable distance from the road providing little effective visible signage for each individual business. Testimony further indicated that successful leasing and tenancy of the CommerceCentre is dependent upon visible identification from Reisterstown Road. In support of Petitioner's argument that currently there is insufficient identification of businesses in the CommerceCentre, the Petitioner introduced as Petitioner's Exhibit 2 photographs of the existing signage along Reisterstown Road. Testimony indicated that the location of the subject property and its proximity to the I-695 Beltway off ramp requires signage of the height and size proposed. Petitioner testified that the adjacent Exxon station maintains a large sign which is located closer to Reisterstown Road than the subject identification sign and requires that the Petitioner identify it as complex to the public by a sign of the height and size proposed. Further testimony indicated that the land on the opposite side of Reisterstown Road across from the identification sign is zoned BL from the corner to a point opposite any portion of the sign. The existing sign is not located within 100 feet of any existing principal building or adjoining residential premises on the same side of the street. Petitioner testified that practical difficulty and unreasonable hardship would result for the shopping center owner, tenants and the public if the requested variance is denied. The variance will not be detrimental to the health safety and general welfare of the public and is in harmony with the spirit and intent of the zoning regulations.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of August, 1988 that the Petition for Zoning Variance to permit a double-faced identification sign of 188.3 sq.ft. per side in lieu of the maximum permitted 150 sq.ft. per side, as more particularly described in Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired.

If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

JRH:bjs

J. Robert Haines
Zoning Commissioner for
Baltimore County

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-8-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.2(e) of the Zoning Law of Baltimore County to permit a double-faced identification sign of 188.3 sq. ft. per side in lieu of the allowed 150 sq. ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Petitioner presently has an identification sign for Commerce Centre (the "Centre") fronting on Reisterstown Road with 123.7 sq. ft. of signage on each face. Petitioner is proposing to expand the signage to permit the identification of more tenants in the Centre, such identification necessitated by the topography and location of the Centre. Grant of the variance is in harmony with the spirit and intent of the zoning regulations, and would not result in substantial injury to public health, safety and general welfare. Denial of Petitioner's request would cause practical difficulty and unreasonable hardship.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
N/A (Type or Print Name)	COMMERCE CENTRE VENTURE (Type or Print Name)
Signature	By: HOOKS LANE LIMITED PARTNERSHIP Signature
Address	By: Clark F. MacKenzie, Jr. (Type or Print Name)
City and State	Signature
Attorney for Petitioner:	Signature
Robert W. Cannon (Type or Print Name)	Suite 200 2328 West Joppa Road 821-8585 Address Phone No.
Signature	Lutherville, Maryland 21093 City and State
100 South Charles Street Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Baltimore, Maryland 21201 City and State	Robert W. Cannon 100 South Charles Street Baltimore, Maryland 21201 332-8816 Address Phone No.
Attorney's Telephone No.: 332-8816	

ORDERED By the Zoning Commissioner of Baltimore County, this 31st day of August, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 105, County Office Building in Towson, Baltimore County, on the 19th day of July, 1988, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

August 31, 1988

Robert W. Cannon, Esquire
Weinberg and Green
100 South Charles Street
Baltimore, Maryland 21201-2773

RE: PETITION FOR ZONING VARIANCE
SE/S Reisterstown Road, 60' N of Northbound Beltway (I-695)
(1777 Reisterstown Road)
3rd Election District - 2nd Councilmanic District
CommerceCentre Venture - Petitioner
Case No. 89-8-A

Dear Mr. Cannon:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. Please contact Ms. Charlotte Radcliffe on Ext. 3391 for further information on filing an appeal.

Very truly yours,

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Mr. James S. Kline
G. W. Stephens, Jr. & Associates, Inc.
303 Allegheny Avenue, Towson, Md. 21204

People's Counsel

File

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
P.O. BOX 6828, TOWSON, MARYLAND 21204

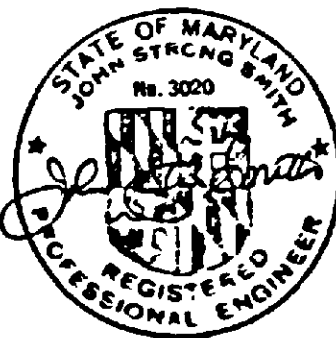
Description to Accompany a
Petition for a Zoning Variance

Beginning at a point located N 25 00' 00" W 378.00 Feet ± from the intersection of the centerlines of Reisterstown Road and Interstate Highway 695 off-ramp running thence in a clockwise direction:

1. S 47 50' 05" W 25 feet ±
2. N 42 09' 50" W 25 feet ±
3. N 47 50' 05" E 25 feet ±

4. S 42 09' 50" E 25 feet ± to the point of beginning. Containing 0.014 acres of land more or less.

(THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY)



FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
303 ALLEGHENY AVENUE, TOWSON, MARYLAND 21204

Description to Accompany a Zoning Petition
for a Zoning Variance.

April 19, 1988

Point of beginning being located at the point of intersection of the right-of-way lines of the north side of the Baltimore Beltway (I-695) and the east side of Reisterstown Road, thence;

- 1) North 42° 09' 55" West 224.02 feet more or less
- 2) North 68° 29' 19" West 43.16 feet more or less
- 3) North 46° 11' 50" East 151.53 feet more or less
- 4) North 14° 33' 50" East 113.32 feet more or less
- 5) North 42° 03' 10" West 151.10 feet more or less
- 6) North 48° 24' 30" East 60.07 feet more or less
- 7) North 41° 07' 30" West 50.94 feet more or less
- 8) North 48° 07' 39" East 127.13 feet more or less
- 9) A curve to the left R=7630.00 L=117.18' ± having a chord bearing north 47° 41' 15" East 117.28 feet more or less
- 10) South 41° 15' 05" East 187.10 feet more or less
- 11) North 48° 14' 55" East 381.20 feet more or less
- 12) South 41° 18' 47" East 561.51 feet more or less
- 13) South 58° 50' 25" West 156.07 feet more or less
- 14) South 65° 44' 38" West 218.91 feet more or less
- 15) South 53° 28' 33" West 150.75 feet more or less
- 16) South 44° 15' 18" West 5.78 feet more or less
- 17) North 41° 50' 30" West 107.25 feet more or less
- 18) South 48° 09' 30" West 385.85 feet more or less

To the place of beginning.

Containing 9.36 acres of land more or less.

(THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY)



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 3rd Variances
Posted for: Commerce Centre Ventures
Location of property: SE side of Reisterstown Road 60' North of
Beltway (1777 Reisterstown Road)
Location of sign: SE side of Reisterstown Road in front of
subject property
Remarks: J. J. Smith
Posted by: J. J. Smith Date of return: July 1-88
Number of signs: 1

CERTIFICATE OF PUBLICATION

Pikesville, Md., June 22, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 23rd day of June, 1988
the first publication appearing on the 22nd day of June, 1988
the second publication appearing on the 29th day of June, 1988
the third publication appearing on the 29th day of June, 1988

THE NORTHWEST STAR

Manager J. J. Smith

Cost of Advertisement 19.20

REGISTERED
JUN 22 1988
ZONING OFFICE

"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD., June 23, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 23, 1988

THE JEFFERSONIAN,

S. Zake O'Brien
Publisher

33.75

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: JUL 11 1988



Mr. Clark F. MacKenzie
Horse Lane Limited Partnership
2320 West Zappa Road
Lutherville, Maryland 21063

Re: Petition for Zoning Variance
CASE NUMBER: 88-0-4
SES Reisterstown Road, 60' N Northbound Beltway
(1777 Reisterstown Road)
2nd Election District - 2nd Councilmember
Petitioner(s): Commerce Centre Ventures
HEARING SCHEDULED: TUESDAY, JULY 19, 1988 at 2:00 p.m.

Dear Mr. MacKenzie:
\$67.95 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 52946

DATE: 7/19/88 ACCOUNT: 21-115-1105

AMOUNT: \$ 67.95

RECEIVED Commerce Centre Ventures

FOR posting & signs

B 8 820*****6795* 6154f 89-8-A

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

June 2, 1988



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 88-0-4
SES Reisterstown Road, 60' N Northbound Beltway
(1777 Reisterstown Road)
2nd Election District - 2nd Councilmember
Petitioner(s): Commerce Centre Ventures
HEARING SCHEDULED: TUESDAY, JULY 19, 1988 at 2:00 p.m.

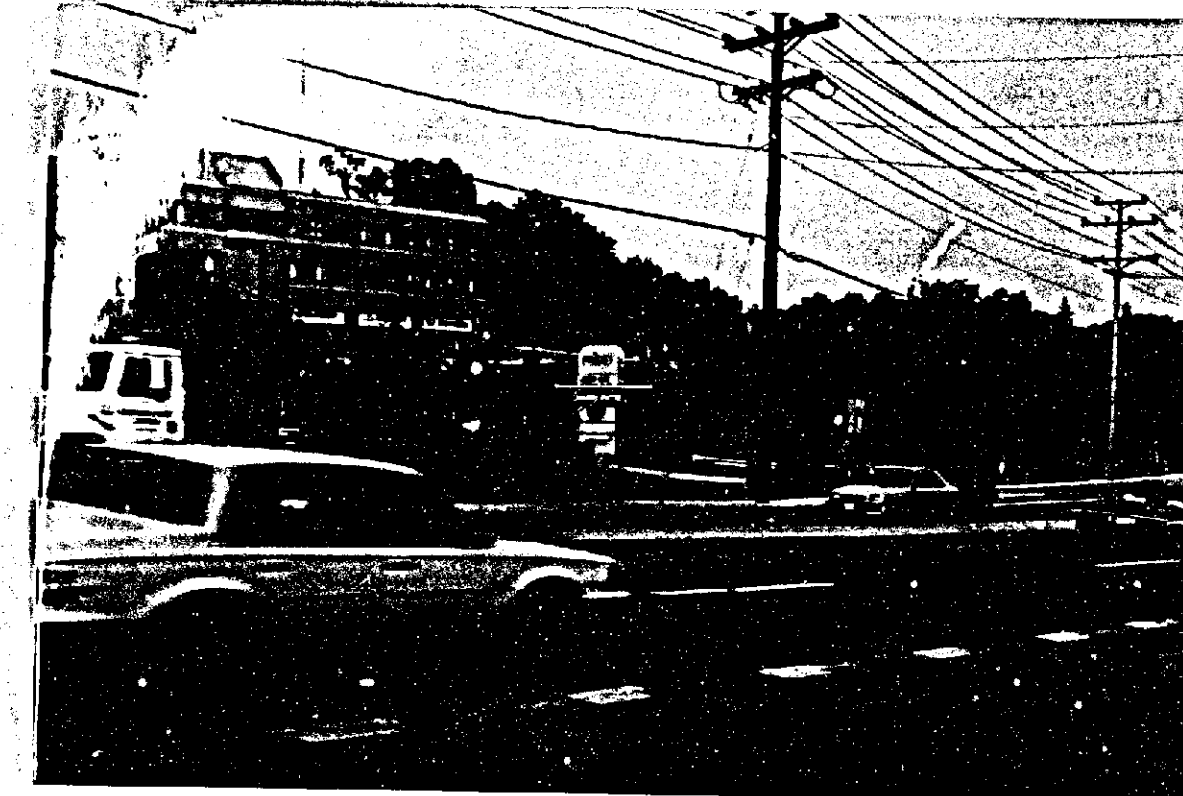
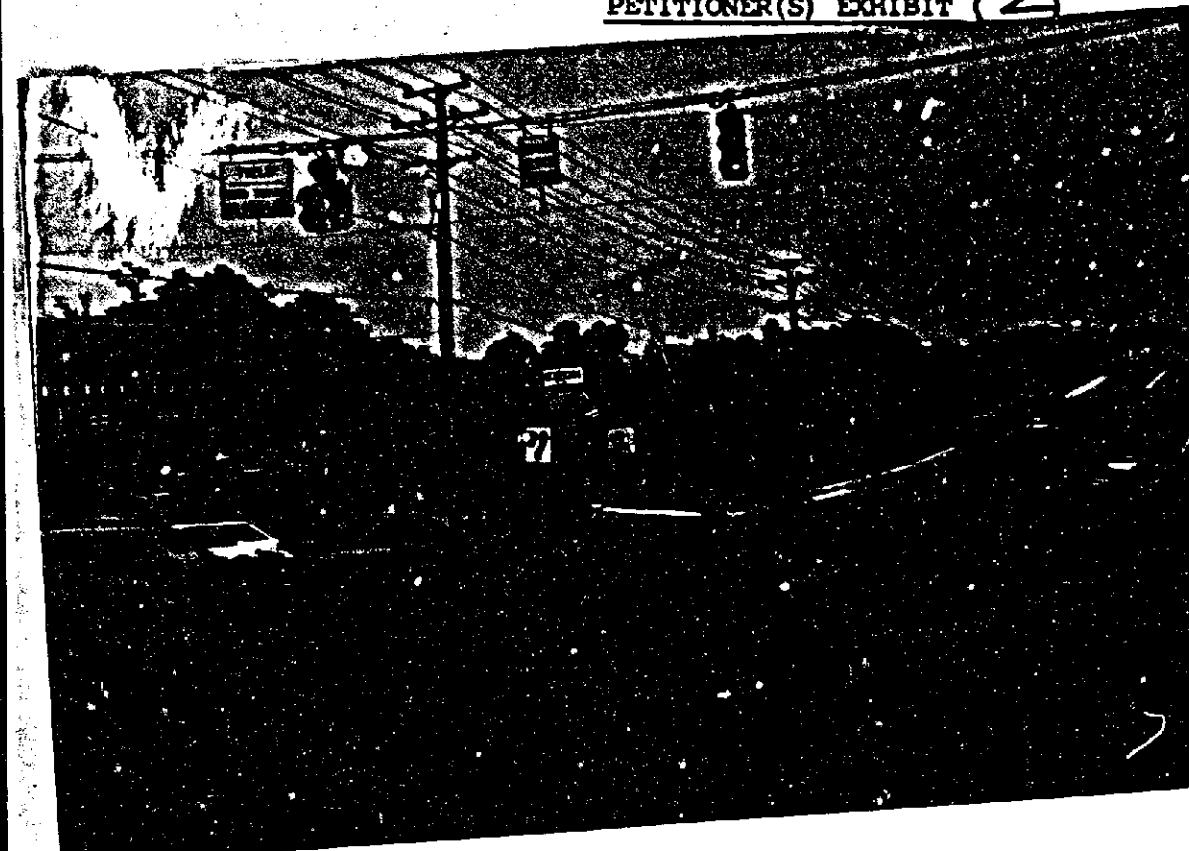
VARIANCE to permit a dual-faced identification sign of 180.3 sq. ft. per side in lieu of the allowed 150 sq. ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. Clark F. MacKenzie
Robert W. Carron, Esq.
File

PETITIONER(S) EXHIBIT (2)



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PETITIONER(S) EXHIBIT (2)



